

HOUSE No. 2918

By Mr. Nyman of Hanover, petition of Robert J. Nyman and others relative to further regulating assisted living and respite care facilities for elders and disabled. Elder Affairs.

The Commonwealth of Massachusetts

PETITION OF:

Robert J. Nyman	Edward G. Connolly
Timothy J. Toomey, Jr.	James R. Miceli
Kathi-Anne Reinstein	

In the Year Two Thousand and Five.

AN ACT FURTHER REGULATING ASSISTED LIVING AND RESPITE CARE FACILITIES FOR ELDERS AND DISABLED.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 16 of chapter 19D of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 inserting after the second paragraph the following paragraph:—
4 Notwithstanding any general law or regulation to the contrary,
5 in the case of new construction of a day or residential assisted
6 living facility or in the case of a major addition to an existing day
7 or residential assisted living facility where such new construction
8 or major addition is more than 7,500 gross square feet in floor
9 area, or contains 4 or more dwelling units, said construction shall
10 meet the construction standards of the state building code, and be
11 of at least type 1-B fireproof construction. For purposes of this
12 section, the gross square feet of a building or addition shall
13 include the sum total of the floor areas for all floor levels, base-
14 ments and sub-basements, measured from outside walls, irrespec-
15 tive of the existence of interior fire resistive walls, floors and
16 ceilings. The inspector of buildings, building commissioner or
17 local inspector shall enforce the provisions of this section. Who-

18 ever is aggrieved by the inspector of buildings, building commis-
19 sioner or local inspectors interpretation, order, requirement, direc-
20 tion or failure to act under the provisions of this section, may,
21 within forty-five days after the service of notice thereof, appeal
22 from such interpretation, order, requirement, direction, or failure
23 to act, to the board of appeals as provided in the state building
24 code and section 8 of chapter 40A.

1 SECTION 2. Section 51 of chapter 111 of the General Laws, as
2 so appearing, is hereby amended by inserting after the sixth para-
3 graph the following paragraph:—

4 Notwithstanding any general law or regulation to the contrary,
5 in the case of new construction of a respite care facility, or in the
6 case of a major addition to an existing respite care facility where
7 such new construction or major addition is more than 7,500 gross
8 square feet in floor area, or contains 4 or more dwelling units, said
9 construction shall meet the construction standards of the state
10 building code, and be of at least type 1-B fireproof construction.
11 For purposes of this section, the gross square feet of a building or
12 addition shall include the sum total of the floor areas for all floor
13 levels, basements and sub-basements, measured from outside
14 walls, irrespective of the existence of interior fire resistive walls,
15 floors and ceilings. The inspector of buildings, building commis-
16 sioner or local inspector shall enforce the provisions of this
17 section. Whoever is aggrieved by the inspector of buildings,
18 building commissioner or local inspectors interpretation, order,
19 requirement, direction or failure to act under the provisions of this
20 section, may, within forty-five days after the service of notice
21 thereof, appeal from such interpretation, order, requirement, direc-
22 tion, or failure to act, to the board of appeals as provided in the
23 state building code and section 8 of chapter 40A.